



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 7594.10

In re Application for Reissue
Of U.S. Patent No. 5,967,264

Dusty L. Lutz et al.

Art Unit: Unassigned

Serial No.: Unassigned

Examiner: Unassigned

Filed: October 19, 2001

For: **METHOD OF MONITORING ITEM SHUFFLING IN A
POST-SCAN AREA OF A SELF-SERVICE CHECKOUT TERMINAL**

Asst. Commissioner for Patents

Washington, D. C. 20231

**DECLARATION WITH
STATEMENT OF ERROR IN
SUPPORT OF REISSUE APPLICATION**

Sir:

Applicants further declare the following:

The error upon which Applicants are relying to support
the Reissue Application is that of claiming less than they

1003837-101901
F05T01-12E0001

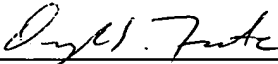
had the right to claim in the above identified Patent 5,967,264 ("the '264 patent").

Applicants failed to appreciate the full scope of the invention. For example, Applicants now believe that the use of the term "shuffling" in Independent Claims 1 and 12 is unnecessarily limiting so as to render the original '264 patent partly inoperative. Applicants now believe that they are entitled to additional claims which do not include the term "shuffling". Applicants also believe that they are entitled to additional claims of greater scope.

All errors which are being corrected in the present Reissue Application up to the time of filing of this Declaration arose without any deceptive intention on the part of the Applicants.

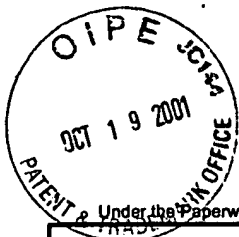
This Reissue Application is being filed within two years of issuance of the '264 patent as required by 35 U.S.C. 251.

NCR Corporation



Douglas S. Foote
Law Vice President

OCT 19 2001
Dayton, Ohio



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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)
7594.10

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,967,264, granted October 19, 1999, and for which a

reissue patent is sought on the invention entitled METHOD OF MONITORING ITEM SHUFFLING IN

A POST-SCAN AREA OF A SELF-SERVICE CHECKOUT TERMINAL

the specification of which

☒ is attached hereto.

☐ was filed on _____ as reissue application number _____ / _____
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

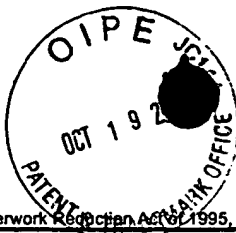
☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

See attached statement of error.



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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
7594.10

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s)	Registration Number
Douglas S. Foote	31013
Paul W. Martin	34870
Michael Chan	33663
James M. Stover	32759

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

26884

Type Customer Number here

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Code Label Here

☐ Firm or
Individual Name

26884

PATENT AND TRADEMARK OFFICE

Address

Address

City

State

Zip

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Dusty L. Lutz

Inventor's signature

Date

Residence

Citizenship

Mailing Address

Full name of second joint inventor (given name, family name)

Christopher A. Malchak

Inventor's signature

Date

Residence

Citizenship

Mailing Address

Full name of third joint inventor (given name, family name)

Timothy E. Mason

Inventor's signature

Date

Residence

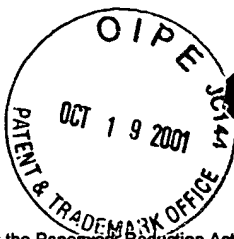
Citizenship

Mailing Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 3)		Docket Number (Optional) 7594.10
Full name of fourth joint inventor (given name, family name) Ali M. Vassigh		
Inventor's signature		Date
Residence		Citizenship
Mailing Address		

1003837-101501



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PTO/SB/53 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**REISSUE APPLICATION: CONSENT OF ASSIGNEE;
STATEMENT OF NON-ASSIGNMENT**

Docket Number (Optional)
7594.10

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s)

Dusty L. Lutz, Christopher A. Malchak, Timothy E. Mason, & Ali M. Vassigh

Patent Number

5,967,264

Date Patent Issued

October 19, 1999

Title of Invention

METHOD OF MONITORING ITEM SHUFFLING IN A POST-SCAN AREA OF A
SELF-SERVICE CHECKOUT TERMINAL.

1. ☒ Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)
2. ☐ Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.

One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".

The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.

The assignee(s) owning an undivided interest in said original patent is/are NCR Corporation,
and the assignee(s) consents to the accompanying application for reissue.

Name of assignee/inventor (if not assigned)

NCR Corporation

Signature

Douglas S. Foote

Date

10/18/01

Typed or printed name and title of person signing for assignee (if assigned)

Douglas S. Foote, Law Vice President

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: NCR Corporation

Application No./Patent No.: 5,967,264 Filed/Issue Date: October 19, 1999

Entitled: METHOD OF MONITORING ITEM SHUFFLING IN A POST-SCAN AREA OF A SELF-SERVICE CHECKOUT TERMINAL

NCR Corporation, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 9136, Frame 421, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

10/18/01

Date

Douglas S. Foote

Typed or printed name

Douglas S. Foote

Signature

Law Vice President

Title



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 7594.10

Application of

Dusty Lutz et al.

Serial No. Not As Yet Assigned

Filed:

**REISSUE APPLICATION
BY ASSIGNEE,
OFFER TO SURRENDER**

OCT 18 2001

For: **METHOD OF MONITORING ITEM SHUFFLING IN A POST-SCAN AREA
OF A SELF-SERVICE CHECKOUT TERMINAL**

Assistant Commissioner
for Patents

Washington, D.C. 20231

**ASSENT OF ASSIGNEE AND OFFER TO
SURRENDER ORIGINAL LETTERS PATENT**

Sir:

NCR Corporation, sole owner of all right, title and interest in U.S. Letters Patent No. 5,967,264, by virtue of the Assignment recorded at Reel 9136, Frame 0421, hereby offers to surrender United States Letters Patent No. 5,967,264 conditional upon the Reissue of said Letters Patent.

The undersigned assignee also hereby assents to the application for reissue of United States Letters Patent No. 5,967,264.

NCR Corporation

Douglas S. Foote
Law Vice President

OCT 18 2001

Dayton, Ohio

1003637-101901